

The Daily Standard.

Saturday, February 1, 1873.

The Constitution Act.

On Wednesday, Mr. Humphreys moved the second reading of his bill to amend the Constitution Act, the gist of which is that in every case where a member of the Legislative Assembly accepts a seat in the Executive Council, whether the acceptance of such an office carries with it emoluments or not, he shall there by vacate his seat, and return to his constituents for re-election. The hon. gentleman, in support of his bill, observed that his object was to see responsible government carried out in its integrity, and that as three members of the present Cabinet have no right to hold their seats, he therefore desired the passage of this bill to give legal effect to a view of the subject which he considered entirely to overlook the fact that the introduction of his Constitution Amendment Bill was a tacit admission that the course pursued by the three gentlemen to whom he referred was quite in accordance with the law, but that in his estimation the law was defective and should be so amended as to harmonize with what he conceived to be the fundamental principles of responsible government. As a matter of course, the hon. member for Nanaimo echoed the sentiments of the hon. member for Lillooet, and devoted an hour and a half to a labored effort to convince the House that the very salvation of the province depended upon the adoption of the member for Lillooet's measure, the object of which is to cast a shade of illegality upon the acts of certain members of the Government, and without which the course they have pursued is strictly constitutional and proper. That their nice little scheme will terminate in their ignominious defeat, we take to be a foregone conclusion. The members of the House can see too plainly through the motives which prompt those gentlemen in the course they have deemed it proper to pursue—to annoy the Government, and retard useful legislation. Even a blind man could see that blasted hopes and disappointed ambition are at the bottom of all this fuss and fury, this bogus anxiety about public opinion, the rights of the people, and responsible government. As the Premier very aptly observed, had these gentlemen been favored with seats in the new Cabinet, they would have not only accepted them, but none would have been looser than they in defense of the Government, nor more eloquent in maintaining that Ministers had acted constitutionally. But having been left out of the fold, in the sole explanation of all the burlesque eloquence and spurious patriotism displayed by them on the floor of the House in defense of so-called popular rights and constitutional usage. As the hon. members for Nanaimo and Lillooet, in support of the position they took against the Government, quoted passages from speeches recently made by the Hon. M. C. Cameron and the Hon. O. Mowat, in the Ontario Legislature, on a somewhat similar question, we here insert those passages, and also extracts from our own Constitution Act, to show that there is really no analogy between the two cases. The Hon. Mr. Cameron, who leads the Opposition, took the ground that when Mr. Blake resigned his position as Premier of the Government, his act necessitated the resignation of all his colleagues, and that in taking office under Mr. Mowat without going back to their constituents, they did what was unconstitutional. He said, "He was not aware of a matter that was perhaps quite as grave as that to which he had alluded, and it was that that those gentlemen opposite had in time past endeavored to maintain that those members who accepted offices of emolument under the Crown should always go back to their constituents, and yet he found that no less than three members of the administration were holding positions of emolument which they had accepted without going to their constituents for their approval, and were sitting in this House, in his judgment, without legal or constitutional authority for their position. He alluded to the Commissioner of Public Works, the Treasurer and the Commissioner of Crown Lands. With regard to the position of those hon. gentlemen the House had no other information than that which was conveyed to it through the Official Gazette of the resignation of these gentlemen, and of their appointment to the new positions which they held, but the Official Gazette had only intimated the change that had taken place when Mr. Blake and Mr. Mackenzie resigned their respective offices. They had been told indeed by the organ of the administration that all the members of the Government had resigned their positions, but that those resignations had been afterwards withdrawn; but the House knew that by the uniform constitutional usage, ever since the introduction of Responsible Government, that when the Premier resigned, his colleagues went out with him; that when a new Premier came into office, it was as the head and leader of a new Government, and that to all intents and purposes the constitution was violated by a new Government proceeding to administer the affairs of the country, and sitting in the House without its members first seeking and obtaining the approval of the constituents." To the above Hon. Mr. Mowat replied as follows: "His hon. friend said that he should have alluded to the position occupied by three of his colleagues, in that they did not go back for re-election when he entered the Government. They did not, because their seats were not vacated. Mr. Speaker would not have issued the writ for their election, there being nothing in the lower constitution to justify their being seated, and it would have been absurd to give their constituents the necessity of going through the mere form of re-

elections. The law provided that any member of the Government who resigned his office and within one month accepted another office, should not vacate his seat unless the Administration of which he was a member had resigned, and a new Administration had filled the offices. In this case a new Administration had not filled the offices. The resignation of all the members of the Government would have involved their going to their constituents for re-election, if the resignations had been accepted, but they were not accepted with regard to his three hon. friends. There was nothing in the statute requiring the re-election of three of his colleagues, either in its letter or spirit. The "double shuffle" was not a parallel to the case at all, as there had been no change of party or of party principles. Under the Ontario statute had the Blake Ministry been defeated and a change of Government taken place, his colleagues would have been required to go before their constituents had any of them taken office in a new Government; but as no change of Administration had taken place, there existed no necessity for a new election, as contended for by Mr. Cameron. Now, under the Constitution Act of this Province it is clearly laid down in section 32, "that whenever any person holding the office of Colonial Secretary, Attorney General, or Chief Commissioner of Lands and Works, or any other office, who is a member of the Executive Council, and also a member of the Assembly, resigns his office, and within one month after his resignation accepts any other office, but still remains a member of the Executive Council, he shall not thereby vacate his seat in the said Assembly." It is therefore as clear as anything possibly can be, that Mr. Waleken by accepting a seat in the new Ministry did not thereby vacate his seat. Our law differs from that of Ontario in this respect: The law of that Province clearly requires that in case of a change of Administration a member of the outgoing Ministry who accepts an office under the incoming one shall vacate his seat; in this Province it is not so. With reference to the positions occupied by Messrs. DeCosmos and Armstrong, the law is so clearly in their favor that it is scarcely worth while seriously to notice the course taken by the members for Lillooet and Nanaimo toward them. The best answer to all they have said or can say on this point will be found in the eighth clause of the Constitution Act, which reads as follows: "No person accepting or holding in British Columbia any office, commission, or employment, permanent or temporary, to which an annual salary, or any fee, allowance, or emolument, or profit of any kind or amount whatever from the Colony is attached, shall be eligible as a member of the Assembly, nor shall he sit or vote as such; but nothing in this section shall make ineligible any person being a member of the Executive Council as hereinafter mentioned, or shall disqualify him to sit or vote in the Assembly, provided he is re-elected while holding such office." As neither Mr. DeCosmos nor Mr. Armstrong are in receipt of any fee, allowance, or emolument from the Government, it follows as a matter of course that their acceptance of office has in no way affected their right to sit and vote in the House.

[The above was unavoidably crowded out of yesterday's issue. As we predicted would be the case, the Bill received a six months' hoist upon a vote of 21 to 3. Surely such a result ought to prove a wholesome lesson to those factiously disposed, if they are not wholly lost to all sense of shame and feeling.]

New Advertisements.

Farm For Sale.

FOR SALE A FARM SITUATED ON the Shuswap Prairie, South Thompson River, containing 300 acres with one of the best water privileges, Good Buildings, Farm Implements, &c. The land is all Prairie, 200 acres fit to grow the best wheat. Particulars may be had at this Office.

NEW ENGLAND BAKERY, GOVERNMENT STREET.

HAVING PURCHASED THE INTEREST of Mr. White in the above establishment, I beg to return thanks for past patronage and respectfully ask a continuance of the same.

HENRY YOUNG.

NOTICE.

THE PARTNERSHIP HERETOFORE existing between Messrs. Young & White, of the New England Bakery, Government street, is this day dissolved by mutual consent. Mr. Henry Young will continue to all the liabilities and continue the business. All debts due to the partnership are to be paid to Mr. H. Young.

Witness—M. W. T. DRAKE, 30th January, 1873.

SELLING OFF

To Close Business

MY ENTIRE STOCK OF

LADIES' GENTS' MISSES' AND CHILDREN'S

BOOTS, SHOES & GAITERS,

LEATHERS,

Shoe-findings, Lasts, Boot-trees, Shoe Brushes, Blackings, &c.

ALSO,

Counters, Drawers, Trunks, Boxes, Cartrons, Baskets, &c. The whole of which will be sold very cheap for Cash.

No goods to leave the store until paid for.

JESSE COWPER,

No. 23 Yates Street, opposite Wells Fargo & Co.

Notice.

MR. THOMAS EARLE HAS BEEN admitted as a partner with me the undersigned in the business of the firm of EARLE & COMPANY, dated 20th January, 1873.

Witness—M. W. T. DRAKE, 30th January, 1873.

For Sale.

THE SLOOPYMYSTERY, in first class order.

Apply to J. H. HARRIS, 30th January, 1873.

New Advertisements.

THEATRE ROYAL.

TO-NIGHT!

Something New!

THE BATTLE OF BULLS

by the

The Robinson & McGinlay

TROUPE,

Together with Comedy and Farce, &c.

AUCTION

J. P. DAVIES & CO

WILL SELL BY

PUBLIC AUCTION

AT SALESROOM, WHARF ST,

Wednesday, Feb. 5th

AT 11 O'CLOCK A. M.

38 CASES

Walter Heywood's Chairs.

COMPRISING:

Wood bent bow top Chairs,

Washington wood seat Chairs,

Washington cane seat Chairs,

Douglas Office Chairs,

Oak Office cane seat Chairs,

Cane seat, oak wood Dining Chairs.

ALSO

Bedsteads, Cupboard, Bureau, Crockery,

Glassware, &c.

ALSO

A Lot of Valuable Charts.

TERMS CASH.

J. P. DAVIES & Co, Auctioneers

AUCTION

SALE OF

HOUSEHOLD FURNITURE.

And Personal Effects

PLUMMER & PAGDEN

Are instructed by the Executors of the late MRS. OGILVY, to sell on the Premises,

Scoresby Street, on

Tuesday, Feb. 4, 1873

AT 11 O'CLOCK, A. M.

The whole of the Furniture & Effects,

Comprising—Tables, Chairs, Pictures and Books, Carpets, Blinds, Curtains, Walnut, Bed, Bedding, Mirrors, Lamps, Kitchen Stove, Usual Kitchen Furniture, &c.

PLUMMER & PAGDEN,

Auctioneers.

THE RETREAT SALOON.

JOS. WRIGLESWORTH, Proprietor,

Near to his late well known premises next to the Standard Printing Office.

A choice assortment of Ales, Wines, and Liquors.

Court of Revision.

NOTICE IS HEREBY GIVEN, that the Court of Revision will hold its first sitting on Monday the 25th day of February next, at 11 o'clock A. M., at the City Council Chambers, Broad street, when the Municipal Assessment Roll for 1873-4 may be inspected.

By Order, Wm. T. LEIGH, Clerk of the Court.

VICTORIA, B. C., January 28th, 1873.

French Benevolent Society

Founded in Victoria, B. C., Feb. 24, 1860

THE POSITION OF THE ABOVE SOCIETY at the end of 1872 as compared with 1871 is as follows:

1871.

House and Garden.....\$5,750 00

Land.....500 00

Furniture.....525 00

Cash.....60 00

1872.

House and Garden.....\$4,000 00

Land.....500 00

Furniture.....525 00

Cash.....725 00

Balance in favor of 1872.....\$1,000 00

The following Officers have been elected for the year 1873

J. HUFF—President,

R. BOULLE—Vice-President,

J. KIRK—Treasurer,

M. CANADA—Secretary.

DIRECTORS: Messrs. P. Thos, W. H. Kay, P. Bodin, F. Grelley

DR. A. H. Medical Attendant.

THOMAS CHADVEAU—Attendant at the Hospital.

ROBERT CO. and T. SHOOTER—Druggists.

Corresponding Member for British Columbia—HONORABLE DOUGHERTY.

Corresponding Member for New Westminster—J. E. SUTHER.

Any person in good health may become a member without distinction of religion or nationality. Every subscriber is admitted to the hospital free of any charge whatever. Notice, treatment and attendance with all the comforts of a home secured to them. Subscribers not willing to enter the Hospital can consult the Doctor of the Society and get medicines free of charge.

Witness—M. W. T. DRAKE, 30th January, 1873.

Mrs. Ogilvie Deceased

ALL PERSONS HAVING CLAIMS against the estate are requested to send them to Messrs. Drake & Jackson forthwith.

28th January, 1873.

DRAKE & JACKSON.

New Advertisements.

VALENTINES! VALENTINES!

A Large and Varied Assortment of

VALENTINES

AT THE

LONDON BAZAAR, GOVERNMENT STREET.

SCOTCH HOUSE.

A. McLEAN & CO.,

Beg to intimate that they have received by the Princess Royal, a very Choice Assortment of Goods for the Winter and Fall Trade, comprising in part:

Gentlemen's Clothing, Under-Clothing, Baltic Shirts, Merino, Flannel and Tweed: Waterproof Coats, Umbrellas, Boys' Clothing, &c.

BEST BEAVER CAPES

INVERNESS SUITS

A. McL & Co. will receive by the first steamer the Latest Styles in Hats, White Shirts, Gloves, &c. all which will be fold at the smallest possible advance on English cost to make room for other shipments.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

W. J. WILSON.

New Advertisements.

J. C. TRACY.

AUCTIONEER & COMMISSION MERCHANT.

ASSIGNMENTS of Fruit, received by every steamer.

Saleroom St. Nicholas Building, Government Street.

Regular Sales every Wednesday and Saturday at 10 o'clock.

Consignments solicited, Prompt Returns and moderate charges guaranteed.

U.S. Sales attended in any part of the city for valuation. Best city references given.

Horse "Royal Bill."

The well known Horse ROYAL BILL will be put up for Sale about the 10th inst.

100 TICKETS AT \$1 EACH.

Tickets can be had at the following Saloons: The Royal, The Justice, The Merchant's Exchange, The Monarch, and of Mr. John Howard at Esplanade.

Due notice of time and place of sale will be given.

Royal Bill is warranted sound and a good steady family horse. He can be seen at all hours at Mr. Brown's Livery Stable on Yates street.

EX 'AMARANTH' FROM LIVERPOOL.

Liverpool Fine Dairy Salt & bags 112 lbs each.

Fire Bricks,

Roman & Portland Cement,

Soda Crystals,

Galvanized Iron Buckets,

Earthenware,

Guinness' Stout, in quarts & pints.

FOR SALE BY

SPROAT & CO.

Wharf Street, 20th January, 1873.

